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Conference of the States Parties to the United Nations Convention against Corruption

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Item 2 of the provisional agenda*
Review of implementation of the United Nations Convention against Corruption

Progress report on the implementation of the mandates of the Implementation Review Group

Note by the Secretariat

Summary

The present document contains updated information[1] on the conduct of country reviews in the first review cycle of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption and on activities of the Implementation Review Group in the context of its function of overseeing the review process and submitting policy recommendations to the Conference of the States Parties to the Convention for its consideration and approval.

* CAC/COSP/IRG/2015/1.

[1] The information contained in the present document provides an update to section I, subsections A and B, of document CAC/COSP/IRG/2014/4.

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I. Organization and conduct of country reviews in the first to fourth years of the first review cycle

A. Drawing of lots

1. In accordance with paragraph 14 of the terms of reference of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption, the selection of States parties participating in the review process in a given year of a review cycle should be carried out by the drawing of lots at the beginning of each review cycle. Furthermore, paragraph 19 of the terms of reference provides that "the selection of the reviewing States parties shall be carried out by the drawing of lots at the beginning of each year of the cycle, with the understanding that States parties shall not undertake mutual reviews".

2. In its resolution 4/1, the Conference endorsed the practice followed by the Implementation Review Group with regard to the procedural issues arising from the drawing of lots. At its fourth session, the Group requested the secretariat to prepare a compilation of procedural requirements and practice regarding the drawing of lots, for the Conference at its fifth session (that compilation is contained in document CAC/COSP/2013/16).

3. Sixty-two country reviews began on 1 July 2013, following the drawing of lots held at the first part of the fourth session of the Implementation Review Group. A drawing of lots was held for two new States parties at the resumed fourth session of the Group, held during the fifth session of the Conference. Lots were drawn at the fifth session of the Group and again at its resumed fifth session to select the States parties reviewing the States parties under review in the fourth year of the current review cycle that had become party to the Convention since the fifth session of the Conference.

4. Eight additional States are thus under review in the fourth year of the current review cycle, two of which will begin their reviews at the sixth session of the Group.[2] Six States have not yet performed a review in the current cycle, including the two States that had most recently become parties to the Convention. Thirty-two States have performed or will have performed the maximum amount of three reviews.

5. In accordance with paragraph 21 of the terms of reference, each State party should appoint up to 15 governmental experts for the purposes of the review process. At the time of writing the present report, five States parties, most of which had recently ratified or acceded to the Convention, had not yet submitted their list of governmental experts or were in the process of updating those lists. Communication was ongoing with all of those States.

[2] Those States are Germany and South Sudan. Other States may become party to the Convention by the sixth session.

B. Schedule and conduct of country reviews

6. In its resolution 4/1, the Conference endorsed the guidelines for governmental experts and the secretariat in the conduct of country reviews, which had been finalized by the Implementation Review Group. The guidelines set out indicative timelines for country reviews in order to ensure the consistency and efficiency of the review process. The purpose of the present subsection is to provide updated information on the schedule of country reviews conducted in the first to fourth years.

7. There were 27 country reviews in the first year, 41 in the second year and 35 in the third year. The 62 States parties under review in the fourth year were officially informed that their reviews began on 1 July 2013. Six further States began their reviews after the fifth session of the Conference. Two States have been informed in advance that their reviews will begin with the drawing of lots after the sixth session of the Group.

Initial steps of country reviews

Confirmation of readiness to undergo review

8. Although, in accordance with the terms of reference, they could not defer their reviews, some of the 70 States whose reviews were scheduled for the fourth year[3] had expressed their need to delay preparations for their reviews either because they were new States parties or because they wished to take advantage of being reviewing States first in order to gain experience.

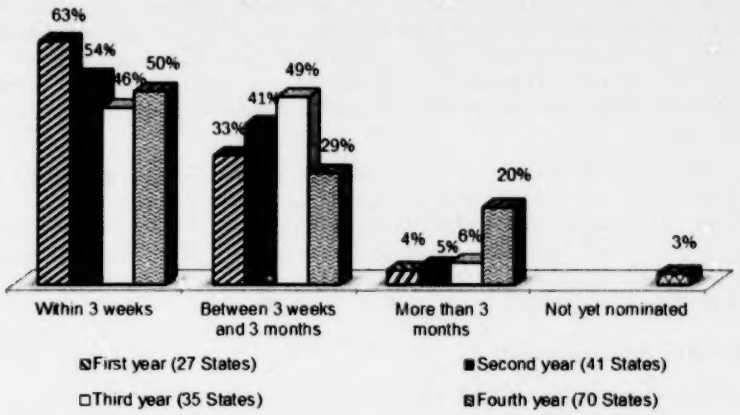
Appointment of a focal point to coordinate the participation of a State party under review

9. In accordance with paragraph 17 of the terms of reference and paragraph 13 of the guidelines, within three weeks of officially being informed, a State party under review should appoint a focal point, and should inform the secretariat accordingly, to coordinate its participation in the review. Late nominations of focal points have caused considerable delays in country reviews. In its resolution 4/1, the Conference urged States parties under review to ensure the timely nomination of their focal points in accordance with the guidelines. At the time of writing, two States under review in the fourth year had not yet nominated their focal points (see figure I), and several States parties changed their focal points during the course of the review. Some previously nominated focal points had become unresponsive and steps were being taken by the secretariat to re-establish contact or bring the matter to the attention of the States concerned by note verbale.

10. With regard to the background of the focal points, they were from national anti-corruption bodies, ministries of justice and other national authorities, including ministries for foreign affairs or modernization. In the second, third and fourth years, several States established interministerial or coordination committees to oversee and conduct the review process at the national level. Several focal points made their contact details available at the national level.

[3] Those included two new States parties whose reviews were scheduled for the fourth year and would commence after the sixth session of the Group.

Figure I
Nomination of focal points



Communication of contact details of governmental experts by reviewing States parties and organization of the initial teleconference

11. Paragraph 16 of the guidelines provides that a telephone conference or videoconference should be held within one month of the State party under review officially being informed of the beginning of the conduct of the country review. The teleconference involves the State party under review, the reviewing States parties and the secretariat staff assigned to the country review. With a view to organizing the initial teleconference, the secretariat requests reviewing States parties to designate contact persons among their governmental experts and to communicate their contact details.

12. In most reviews, delays were experienced in the organization of the initial teleconference. Such delays were due, inter alia, to the late communication of contact details of the governmental experts or changes of reviewing experts after the beginning of the review, and in some cases because of redraws. Where feasible, introductions took place on the margins of the sessions of the Group, and in some reviews where time differences between the States did not enable direct contact, the teleconferences were replaced by an exchange of e-mails.

Self-assessment

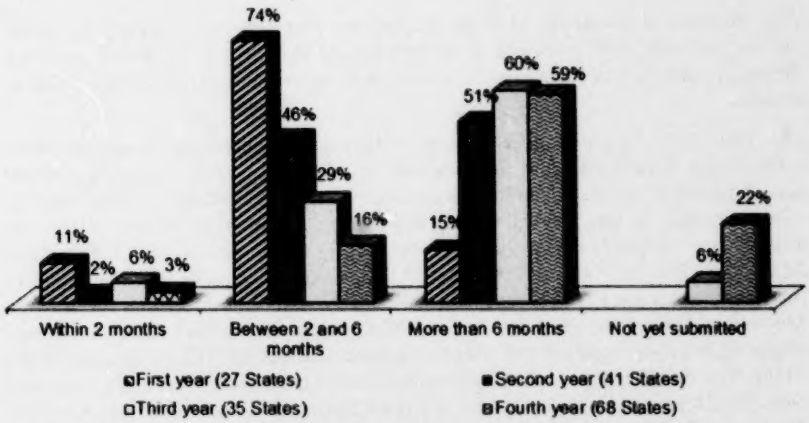
13. According to paragraph 15 of the guidelines, the State party under review, within two months of being officially informed of the beginning of the conduct of the review, is to provide the secretariat with its response to the comprehensive self-assessment checklist. The date for the submission of the self-assessment checklist is discussed during initial teleconferences. In several cases, States parties under review indicated that they would require more time to complete the self-assessment, taking into account, inter alia, technical constraints and the need

for inter-agency coordination. This was often the case for States under review in the fourth year that had recently become parties to the Convention.

14. For the 35 reviews that were initiated in the third year of the current review cycle, two completed responses to the self-assessment checklist were pending at the time of writing this report. For the reviews in the fourth year, 53 responses to the checklist had been received. The rest were still pending and active follow-up was being undertaken to ensure their submission, including by providing assistance through United Nations Office on Drugs and Crime (UNODC) field offices and partners. Several States parties had sought assistance from the secretariat in order to complete their checklist responses in accordance with paragraph 16 of the terms of reference. In 2014, for example, 12 States parties availed themselves of such assistance.

15. States parties under review in the third and fourth years were taking longer than provided for by the terms of reference and longer than in previous years to complete their responses to the self-assessment checklist (see figure II). However, in general their responses contained more complete information, including case law and statistics. Several States had set up coordination committees and held drafting and validation workshops for their responses.

Figure II
Self-assessment checklist submission[a]



[a] The fact that a higher percentage of States parties under review during the fourth year submitted their responses to the self-assessment checklist more than six months after being officially informed of the review was partially due to the fact that substantive work on some reviews had been staggered and was partly conducted during the second half of the year, for instance in the case of new States parties.

16. With regard to consultations with national stakeholders and publication of responses to the comprehensive self-assessment checklist, several States parties under review in the first to fourth years informed the secretariat of such consultations. Several more had circulated their responses to relevant stakeholders and/or posted the responses on national websites for comment, or on the UNODC

website. Several States had included national stakeholders in the national committees set up to coordinate and oversee the review process.

Desk review

17. According to paragraph 21 of the guidelines, within one month of the receipt of the response to the comprehensive self-assessment checklist and any supplementary information provided by the State party under review, governmental experts should submit to the secretariat the outcome of the desk review. At the time of writing, a few desk reviews of the responses to the self-assessments for the second and third years were pending, owing, inter alia, to the late submission of information and translation difficulties. The desk reviews of responses to the self-assessments for four country reviews in the fourth year were pending even though the responses to the self-assessment checklist had been provided to the experts.

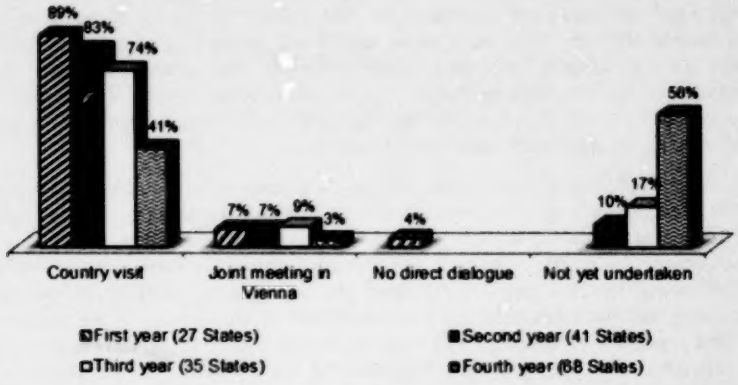
18. The desk reviews were increasingly being submitted in the blueprint format, thus allowing the reviewers and the secretariat to work on a single consolidated document. While that practice was welcomed by States, in cases where the review was carried out in more than one language, maintaining parallel language versions of working documents was at times not practicable.

Further means of direct dialogue

19. Pursuant to paragraph 24 of the guidelines, if agreed by the State party under review, the desk review should be complemented by any further means of direct dialogue, such as a country visit or a joint meeting at the United Nations Office at Vienna.

20. Out of 173 countries under review, including the 8 additional countries whose reviews had started after the fourth session of the Group, 122 countries that had agreed to further means of direct dialogue had already carried out country visits or joint meetings. At the time of writing this report, a further 11 country visits had already been scheduled. For the 27 States parties under review in the first year, 24 country visits and two joint meetings in Vienna had taken place. For the 41 States parties under review in the second year, 34 country visits and three joint meetings in Vienna had taken place, and another four States under review had agreed to further means of direct dialogue, one of which was to be held before the sixth session of the Group. For the 35 States parties under review in the third year, 26 country visits and three joint meetings had taken place, and most States had agreed to further means of dialogue, of which several were in various stages of planning. For States under review in the fourth year, 28 country visits and two joint meetings had taken place (see figure III).

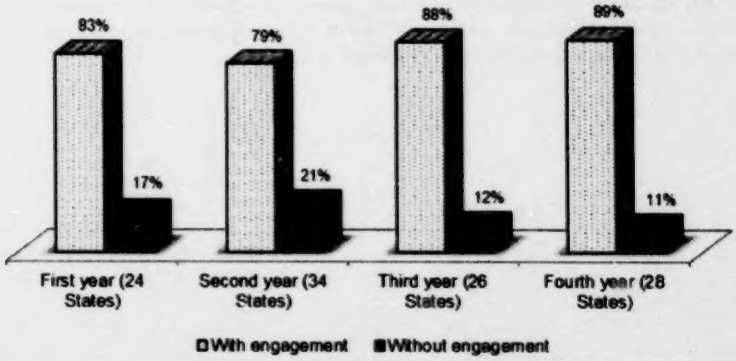
Figure III
Further means of direct dialogue between countries



21. In accordance with paragraph 24 of the guidelines, a country visit is planned and organized by the State party under review. Focal points draft the agenda and submit it to the reviewers and the secretariat prior to the country visit.

22. Out of all country visits conducted, 85 per cent included sessions with other stakeholders (see figure IV), in accordance with paragraph 30 of the terms of reference. In some cases those sessions were organized in the form of panels that included representatives of civil society, the private sector, academia, trade associations and other national stakeholders. In other cases such stakeholders were represented by members of national coordinating committees.

Figure IV
Engagement with stakeholders during country visits



Outcome of the country review process

23. Pursuant to paragraph 33 of the terms of reference and paragraph 30 of the guidelines, the reviewing governmental experts are to prepare a country review report, and an executive summary of that report, in close cooperation and coordination with the State party under review and assisted by the secretariat. The report should identify successes, good practices and challenges, and make observations for the implementation of the Convention. Where appropriate, the report should include the identification of technical assistance needs for the purpose of improving the implementation of the Convention.

24. A total of 83 executive summaries and 72 country reports had been completed at the time of writing. The executive summaries of the country review reports had been placed online, both as part of the documentation of the Group and on the country profile page (www.unodc.org/unodc/en/treaties/CAC/country-profile/index.html) for ease of reference. At the time of writing, 25 executive summaries had been finalized and made available to the Group for the reviews in the first year and the remaining two were in process. For reviews in the second year, 31 executive summaries had been finalized and made available to the Group, with several more to be submitted for processing. For the third year, 20 executive summaries had been finalized and made available to the Group and several more were to be submitted for processing, and for the fourth year, 8 executive summaries had been finalized and made available and several more were to be submitted for processing. In several cases, agreement had been reached on the findings contained in the draft executive summary before finalization of the full country review report. The final agreement on the reports had been delayed in some cases by the need for further consultation at the national level, or for validation by parliaments or councils of ministers.

25. The length of the country review reports, depending on the language and number of annexes, ranged from approximately 100 pages to over 500 pages.[4] While many governmental experts agreed to conduct the review in a language other than their preferred language, 105 out of 173 reviews involved at least two official languages of the United Nations. Of the States that had completed their review, 34 requested the secretariat to post their country review reports on their profile page on the UNODC website, and several more informed the secretariat that they had made their reports available at the national level.

[4] For details on the cost of translation see CAC/COSP/IRG/2015/4.